

56145473-8

Further, claims 3-12, 14-17 and 19-23 were rejected based on the alleged uses of icons by Microsoft® which were asserted as being notoriously well known in the computer arts. Specifically, the Office Action noted that Microsoft® was well known to trade icon presence and position on the desktop operating system, e.g., ISP set-up icons, for valuable favors, and that the ME operating system would display icons more prominently based on frequency of use or the last use.

Claims 2-6, 14 and 19 were canceled without prejudice and disclaimer and, as a result, the rejection of those claims is rendered moot. However, at least some of the limitations of the canceled claims were incorporated into independent claims 1, 13 and 18. Thus, Applicant addresses the patentability of claims 1, 7-13, 15-18 and 20-23 (and new claims 24-32) in view of Yap, Pitroda and the alleged teachings of Microsoft®.

Applicant respectfully traverses the assertion that Microsoft® was well known to trade icon presence and position on the desktop operating system, e.g., ISP set-up icons, for valuable favors, and that the ME operating system would display icons more prominently based on frequency of use or the last use. Applicant respectfully asks that the Examiner provide a public reference(s) in support of this position, as Applicant is unaware of such teachings and would

56145473-8

like the opportunity to review the reference(s). M.P.E.P.

§2144.03.

Even assuming that the alleged teachings of Microsoft® are accurate and well known, Applicant submits that Yap, Pitroda and the alleged teachings of Microsoft® do not teach or suggest, alone or in combination, every element recited in independent claims 1, 13 and 18 as amended for at least the following reasons.

Yap relates to a system for constructing context information access artifacts that are used for customizing the delivery of content information based on physical location. A context sensitive smart card is disclosed that includes a user interface surface having graphical icons. The graphical icons include an alphanumeric keypad and several icons labeled "Emergency", "Police" and "Fire". Regardless of the physical location of the smart card, when a user selects one of the emergency icons associated with the smart card, the appropriate emergency service in that location is notified. The icons configured upon the surface are each associated with an x-y coordinate apparently entered by a user. Further, the icons appear to be physically and permanently printed on the surface. [¶¶ 0078-79, 0082-83 and 0125].

56145473-8

Pitroda relates to a universal electronic transaction ("UET") card having a liquid crystal display with a touch memory screen. When several credit card or service institutions have activated the card, the display allows the user to select one of the card-type options. For example, the user can select "credit" on the display and all the available credit cards are displayed. The user can then select a particular credit card institution. [Col. 9, lines 49-60; Col. 14, lines 19-28].

Yap, Pitroda and the alleged teachings of Microsoft® fail to teach or suggest, alone or in combination:

- "determining a plurality of display locations for the plurality of respective symbols once the smart card is in use, a first display location being reserved for one of the plurality of symbols associated with the most frequently used application program, the last used application program or a provider of one of the plurality of application programs paying a premium to an issuer of the smart card", as recited in amended claims 1 and 13; and
- "a processor ... being operable ... to determine at least one of the most frequently used application program and the last used application program and to display the plurality of associated symbols on the display for

56145473-8

viewing by a user, a first display location on the display being reserved for one of the plurality of symbols associated with the most frequently used application program, the last used application program or a provider of one of the plurality of application programs paying a premium to an issuer of the smart card", as recited in amended claim 18.

As set forth above, Yap teaches a smart card having icons configured on a surface of the card according to x-y coordinate mapping. Further, Yap teaches that these icons remain in the same location once the card is in use, as Yap appears to teach that these icons are physically and permanently printed on the surface. Pitroda teaches a UET card having a display, but similarly the selectable options viewed in the display have set locations once the card is in use. Thus, Yap and Pitroda are devoid of any teaching or suggestion, alone or in combination, of a first display location being reserved for one of the plurality of symbols associated with the most frequently used application program, the last used application program or a provider of one of the plurality of application programs paying a premium to an issuer of the smart card, as recited in amended claims 1, 13 and 18.

Similarly, the alleged teaching of Microsoft® which are not in the field of smart card technology fail to teach or suggest what is

56145473-8

missing from Yap and Pitroda. Assuming the accuracy of the alleged teachings of Microsoft®, reserving a first display location for a particular symbol associated with an application program is not taught or suggested due at least in part to the layout of the conventional Microsoft® user interface described in the Office Action.

Thus, Applicant respectfully submits that the above-identified limitations of amended claims 1, 13 and 18 are not obvious in light of the cited references, alone or in combination, due at least to the references' lack of teaching or suggestion of the above-identified limitations.

Accordingly, in view of amendments to claims 1, 13 and 18 hereby, as well as the above remarks, it is respectfully submitted that a first display location on a display of a smart card being reserved for the most frequently used application program, the last used application program or a provider of an application program paying a premium to an issuer of the smart card, is neither shown nor suggested in the cited references, alone or in combination.

Claims 7-12, claims 15-17 and claims 20-23 depend from and further limit claims 1, 13 and 18, respectively, and, for at least the reasons stated above in connection with claims 1, 13 and 18, are patentable over Pitroda and Yap, in view of each other, and the alleged teachings of Microsoft®.

56145473-8

Applicant has also added claims 24-32 and submits that Yap, Pitroda and the alleged teachings of Microsoft®, alone or in combination, do not teach or suggest every element recited in new independent claims 24, 27 and 30 for at least the following reasons. Specifically, as to independent claims 24, 27 and 30, the cited references and the alleged teachings of Microsoft®, fail to teach or suggest:

- "determining how prominent at least one of the plurality of symbols is displayed, one of the plurality of symbols associated with the most frequently used application program being displayed more prominently than the other symbols", as set forth in new claim 24;
- "determining how prominent at least one of the plurality of symbols is displayed, one of the plurality of symbols associated with the last used application program being displayed more prominently than the other symbols" as set forth in new claim 27; and
- "determining how prominent at least one of the plurality of symbols is displayed, one of the plurality of symbols associated with a provider of an application program paying a premium to an issuer of

56145473-8

the smart card being more prominently displayed than the other symbols", as set forth in new claim 30.

Rather, the appearance of the icons in Yap and the appearance of the selectable options in Pitroda remain unchanged regardless of the frequency of use of the service, the last used service or if a premium is paid by a service provider. As to the alleged teachings of Microsoft®, Applicant respectfully traverses the assertion that Microsoft® displays icons more prominently based on frequency of use and last use, as set forth above.

Applicant respectfully points out that the Office Action, however, did not address a reference that teaches or suggests symbol position and/or prominence based on a premium being paid to an issuer of a smart card. Accordingly, at least claim 30 which recites "one of the plurality of symbols associated with a provider of an application program paying a premium to an issuer of the smart card being more prominently displayed than the other symbols" is in a condition for allowance, as well as claims 31 and 32 which depend from claim 30. Claim 31 recites "the one of the plurality of symbols associated with the provider appears first on the display" and claim 32 recites "the one of the plurality of symbols associated with the provider has a larger size than the other symbols".

56145473-8

Claims 25-26, claims 28-29 and claims 31-32 depend from and further limit claims 24, 27 and 30, respectively, and, for at least the reasons stated above in connection with claims 24, 27 and 30, are patentable over Pitroda and Yap, in view of each other, and the alleged teachings of Microsoft®.

In addition to the lack of a teaching or suggestion in Pitroda, Yap and the alleged teachings of Microsoft® as described above, there is no suggestion or motivation to combine the references. See MPEP § 2143.01.

The reference cited as of interest but not relied upon has been reviewed but is not seen to disclose or suggest the present invention as recited in the amended claims and the new claims.

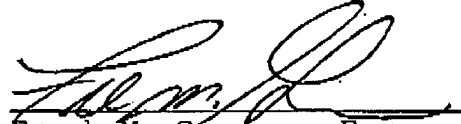
Entry of this amendment and favorable reconsideration of this application are earnestly solicited. Should the Examiner have any questions or wish to discuss this response, please feel free to contact the undersigned by telephone at (212) 891-3942.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment to 37 C.F.R. §1.121. The

56145473-8

attached page is captioned "VERSION WITH MARKINGS TO SHOW
CHANGES MADE."

Respectfully submitted,



Dated: October 3, 2002

Frank M. Gasparo, Esq.
Reg. No. 44,700
BAKER & MCKENZIE
805 Third Avenue
New York, New York 10022
Telephone (212) 751-5700
Facsimile (212) 759-9133

FAX COPY RECEIVED

OCT - 3 2002

TECHNOLOGY CENTER 2800

56145473-8

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1, 13 and 18 have been amended. Please cancel claims 2-6, 14 and 19 without prejudice and disclaimer. Please add claims 24-32.

--1. (AMENDED) In an smart card having a memory and a processor for executing application programs stored in the memory, a method of identifying the stored application programs, the method comprising:

receiving in a the smart card a plurality of application programs from an external system;

receiving in the smart card a plurality of symbols representing the plurality of application programs from the external system;

determining a plurality of display locations for the plurality of respective symbols once the smart card is in use, a first display location being reserved for one of the plurality of symbols associated with the most frequently used application program, the last used application program or a provider of one of the plurality of application programs paying a premium to an issuer of the smart card; and

displaying on a display of the smart card the plurality of received symbols according to the plurality of determined locations

56145473-8

for identification of the plurality of application programs by a user.

--13. (Amended) A method of identifying application programs stored in a multi-application smart card having a display, comprising:

receiving by a the multi-application smart card a plurality of application programs, the plurality of application programs being executable by a processor of the smart card;

receiving by the smart card a plurality of symbols associated with the plurality of application programs;

determining a plurality of display locations for the plurality of symbols once the smart card is in use, a first display location being reserved for one of the plurality of symbols associated with the most frequently used application program, the last used application program or a provider of one of the plurality of application programs paying a premium to an issuer of the smart card; and

displaying, on a display of the smart card for viewing by a user, the ~~received~~ plurality of symbols according to the plurality of determined display locations.

--18. (AMENDED) A smart card comprising:

56145473-8

a display;

a memory operable to store a plurality of application programs
and a plurality of symbols representing the plurality of programs;
and

a processor coupled to the memory and the display, the
processor being operable to execute the plurality of application
programs, to determine at least one of the most frequently used
application program and the last used application program and to
display the plurality of associated symbols on the display for
viewing by a user, a first display location on the display being
reserved for one of the plurality of symbols associated with the
most frequently used application program, the last used application
program or a provider of one of the plurality of application
programs paying a premium to an issuer of the smart card.

--24. (NEW) In an smart card having a memory and a processor
for executing application programs stored in the memory, a method
of identifying the stored application programs, the method
comprising:

receiving in the smart card a plurality of application
programs from an external system;

56145473-8

receiving in the smart card a plurality of symbols representing the plurality of application programs from the external system;

determining a plurality of display locations for the plurality of respective symbols once the smart card is in use;

determining how prominent at least one of the plurality of symbols is displayed, one of the plurality of symbols associated with the most frequently used application program being displayed more prominently than the other symbols; and

displaying on a display of the smart card the plurality of received symbols according to the plurality of determined locations and determined prominence for identification of the plurality of application programs by a user.

--25. (NEW) The method as set forth in claim 24, wherein the one of the plurality of symbols associated with the most frequently used application program appears first on the display.

--26. (NEW) The method as set forth in claim 24, wherein the one of the plurality of symbols associated with the most frequently used application program has a larger size than the other symbols.

56145473-8

--27. (NEW) In an smart card having a memory and a processor for executing application programs stored in the memory, a method of identifying the stored application programs, the method comprising:

receiving in the smart card a plurality of application programs from an external system;

receiving in the smart card a plurality of symbols representing the plurality of application programs from the external system;

determining a plurality of display locations for the plurality of respective symbols;

determining how prominent at least one of the plurality of symbols is displayed, one of the plurality of symbols associated with the last used application program being displayed more prominently than the other symbols; and

displaying on a display of the smart card the plurality of received symbols according to the plurality of determined locations and determined prominence for identification of the application programs by a user.

--28. (NEW) The method as set forth in claim 27, wherein the one of the plurality of symbols associated with the last used application program appears first on the display.

56145473-8

--29. (NEW) The method as set forth in claim 27, wherein the one of the plurality of symbols associated with the last used application program has a larger size than the other symbols.

--30. (NEW) In an smart card having a memory and a processor for executing application programs stored in the memory, a method of identifying the stored application programs, the method comprising:

receiving in the smart card a plurality of application programs from an external system;

receiving in the smart card a plurality of symbols representing the plurality of application programs from the external system;

determining a plurality of display locations for the plurality of respective symbols;

determining how prominent at least one of the plurality of symbols is displayed, one of the plurality of symbols associated with a provider of an application program paying a premium to an issuer of the smart card being more prominently displayed than the other symbols; and

displaying on a display of the smart card the plurality of received symbols according to the plurality of determined locations

56145473-8

and determined prominence for identification of the application programs by a user.

--31. (NEW) The method as set forth in claim 30, wherein the one of the plurality of symbols associated with the provider appears first on the display.

--32. (NEW) The method as set forth in claim 30, wherein the one of the plurality of symbols associated with the provider has a larger size than the other symbols.